

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA)
)
V.)
XINGYU JIANG)

UNITED STATES COURT
DISTRICT OF MASS

CRIMINAL NO. 04-10128-MLW

MOTION TO CONTINUE AND TO EXCLUDE TIME

NOW comes the defendant, by and through the undersigned counsel, and hereby requests this Honorable Court to continue the plea hearing that was to be scheduled for September 10, 2004 for thirty days. In addition, the defendant moves that this time be excluded. As grounds for this motion the defendant submits as follows:

Counsel has only recently filed his appearance on behalf of the defendant and is reviewing the materials to become acquainted with the file.

Counsel for the defendant has been in contact with the U.S. Attorney's Office and is actively engaged in discussions that will likely resolve this matter promptly. It is still the belief of both parties that an agreement on a plea will be reached and the government has agreed to this brief continuance.

The court has previously excluded the following periods under the Speedy Trial Act: 4/21/04; 5/03/04 to 5/31/04; 6/15/04 to 7/23/04, and 08-03-2004 to 08-16-2004. The parties have also

agreed that the period between 09-02-2004 and 10-02-2004 should be excluded pursuant to 18 U.S.C. 3161 (h) (8) in that the ends of justice outweigh the interests of the defendant and the public in a speedy trial.

The Defendant,
By his Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of August, 2004, I delivered a true and accurate copy of the foregoing document, Motion to Continue and Exclude Time, to the opposing party or counsel, to Ms. Sandra S. Bower, U.S. Attorney's Office, U.S. Courthouse, suite 9200, One Courthouseway, Boston, MA 02110 by first class mail postage prepaid.



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